

GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

**FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE.
CRIMINAL APPLICATION NO. 1164 OF 2005**

The State of Maharashtra

...Applicant

versus

Arjun Maruti Gaikwad ...Respondent.

Office Notes, Office Memoranda
orders or directions and
Registrar's orders.

Court's or Judge's
Orders.

Mrs. P.H.Kantharia APP for State.

**CORAM; V.G. PALSHIKAR &
SMT. NISHITA MHATRE, JJ.**

DTAED; 12TH APRIL, 2005.

P.C.

1. By this Criminal Application,
the order acquitting the accused
in Sessions trial No. 144/03
passed by the learned trial Judge
is challenged.

2. The learned trial Judge has
correctly appreciated the
evidence and has given cogent
reasons in para 28 for not
accepting the evidence. The eye
witness Sunanda is the
daughter-in-law of the victim and

claims that she saw victim being assaulted by an axe and she started walking towards home. Yet she does not go to help him or save him in any manner but goes to home to tell others about the assault. The conduct of the witness, as observed by the learned trial Judge, is highly unnatural and therefore creates a reasonable doubt in an ordinary prudent man regarding the veracity of such statement of this witness. The findings recorded by the learned Judge are thus in accordance with the appreciation of evidence and require no interference. Application is therefore rejected.

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